

**REMARKS**

The office action of September 3, 2003, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.84(p) (4).

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) over the Patent to Ohlin in view of the patent to Negersmith et al.

Finally, it is noted that claims 2 and 5-29 would be allowable if rewritten in independent form.

In connection with the Examiner's objection to the drawings, applicant has amended the specification so that the reference numeral 6 is used consistently to indicate an opening in the instrument holder. Reference numeral 6 indicates the opening in both Fig. 1 and Fig. 2. Therefore, no changes are needed in the drawings.

In view of these considerations it is respectfully submitted that the objection to the drawings is overcome and should be

withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Ohlin, it can be seen that this patent discloses a device for cleaning the exterior of an elongated body. Ohlin does not teach or suggest the present invention. In claim 1 of the present application the instrument holder is configured to hold at least two instruments. Ohlin only teaches a device that can hold one instrument. The present invention recites a washing device configured to wash the at least two instruments. Ohlin has no teaching of a washing device capable of washing two instruments. The washing device of the presently claimed invention has at least one jet orifice aimed in an inward radial direction to spray wash fluid at the instruments. Ohlin only describes a cleaning device 24 in which the wash fluid flows through a collar 25 to a ring-shaped space 27 between the vertical bore 26 and the instrument 19, and from there is sucked out through a passage 30 and the conduit 29. Ohlin provides no teaching concerning a jet.

The Examiner makes the following arguments in paragraph 6 of the office action:

"The device comprises a ring (22) for holding the transfer devices." This should read "transfer device" since Ohlin does not teach two transfer devices.

"A washing device (24) is provided to wash the transfer instruments." This should read "transfer instrument" for the same reason given above.

"The washing device contains a passageway (30), through which wash fluid flows toward the transfer instruments." Here, passageway "30" should be passageway "34". The fluid is supplied over passages 33, 34 and carried away over 29, 30. This is shown by the arrow in Fig. 3 of Ohlin. Also, Ohlin only teaches flowing the fluid to one instrument, and there is no possibility of spraying the fluid with a jet.

"Ohlin fails to teach a movable washing device that moves in relation to the instruments being cleaned." Ohlin, however, at column 3, lines 51-53 does teach a relative movement of the washing device to one instrument.

The patent to Negersmith et al. discloses an automatic liquid sample supply and wash apparatus. This reference teaches washing a single take-off tube 20 for fluids on an analysis station having a turntable. The analysis station has the turntable, not the washing device. The turntable has a plurality of receptacles, but not instrument holders. The component of Negersmith et al. that is comparable with the instrument of the present application and the transfer device of Ohlin is the take-off tube 20. The tube 20 contains test fluid, air and wash fluid. Column 2, lines 13-34 and line 71 -column 3, line 25 clearly describe how the tube 20 works for washing. There is no discussion of jet orifices or jets, nor is there any vertical guidance.

The Examiner combined these references in determining that claims 1, 3 and 4 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach an analyzer system having the features discussed above, particularly an instrument holder for at least two instruments, and a washing device having a jet orifice aimed in an inward radial direction of the wash ring so as to spray wash fluid at the instruments, as in the presently claimed invention.

**ME-30**

In view of these considerations it is respectfully submitted that the rejection of claims 1, 3 and 4 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on February 3, 2004.

By:



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Date: February 3, 2004